
Appeal Decision

Site visit made on 1 October 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/L3245/W/24/3343379

Lacon House, Souldon Road, Wem, Shropshire SY4 5RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3 (1) and Schedule 2 Part 6, Class A of the Town and Country Planning (General Permitted Development) (England), Order 2015.
 - The appeal is made by Anthony Pugh against the decision of Shropshire Council.
 - The application Ref is 23/04604/AGR.
 - The development is proposed erection of an agricultural building for the storage of hay and machinery.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form does not appear to provide a description of the proposed development. Therefore, I have utilised the description found on the decision notice as, based upon the plans and submitted evidence, this represents an accurate description of the proposal.
3. The appeal is made pursuant to Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England), Order 2015 (as amended) (GPDO). Development is permitted under Class A where it relates to agricultural development of units of 5 hectares or more. For development to be permitted under class A, it must satisfy the limitations as set out in the GPDO. These conditions establish a requirement for developers to apply to the local planning authority for a determination as to whether prior approval will be required in relation to several prior approval matters.
4. In refusing the application, the Council have found harm with the siting of the proposed building as their reason for refusal. There is no suggestion that the proposal otherwise conflicts with the parameters of Part 6, Class A of the GPDO. I have therefore assessed the appeal on this basis.
5. After the decision was made by the Council, the appellant appears to have submitted an additional plan to the Council which showed an alternative position of the proposed structure. The Council and appellant have both provided this plan in their case. The Council state that this was a suggested location of where the building could be sited, which was subject to pre-application discussions before this appeal was made.
6. This represents the submission of new information which constitutes a significant and material change to what was originally submitted. The Planning Inspectorate Appeals' Procedure Guide makes it clear that the appeal process should not be

used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested people's views were sought. Accepting this new information would have deprived those who were entitled to be consulted of the opportunity to make any representations as part of an appeal. I have therefore not considered this new information in this appeal as it would prejudice any interested parties.

7. The appellant has also provided a plan of new hedge planting proposals and overhead electricity wires. It is the appellant's contention that the hedge planting proposals and electric wiring restricts the options for the siting of the building. These plans are informative as a possible reason as to why the building could not be sited in a different location which does not amend the scheme itself, with regard to its design and siting. The Council has had the opportunity to comment upon these through the appeal process. For these reasons, I have considered the plans and comments in determining this appeal.

Main Issue

8. The main issue is whether or not prior approval is required and should be granted for the siting of the proposed building having regard to the character and appearance of the area.

Reasons

9. The appeal site is an open field located to the west of Lacon House. The B5065 is situated next to the site. When travelling along this road, it is apparent that built forms generally make up individual farmsteads where multiple buildings are clustered together in close proximity to each other. This is regardless of their use as a residential or agricultural building. Agricultural barns are visibly close to the built form and are not sited in isolated positions. An example of this typical layout at a No. 8 Soughton Road is visible from the appeal site. Taking the wider area into account, the surrounding area is characterised by open and relatively flat fields which are bound by hedgerows and fencing. Again, individual isolated buildings are not apparent in this wider landscape.
10. The proposal would create a tall building which, due to its overall height, would be highly visible despite the existing hedges which surround the appeal site. It would be visible when viewed from the B5065 on approach to and when passing the appeal site. Yet, the building would be commensurate with a design typical for its proposed use in an agricultural setting. Therefore, in principle, the design and external appearance of the building, including its height, is considered as acceptable.
11. However, sited broadly in the centre of the appeal site well away from the field boundaries, and other buildings, including those within the appellant's ownership, the building would appear as a standalone feature. Therefore, it would not be located next to other buildings and structures, as typically found as a characteristic in the locality. Its absence of a physical relationship with clusters of other buildings would create a building which would appear isolated and exposed, with little relation to the neighbouring buildings which make up the individual farmstead are a prevailing characteristic of the area within the vicinity of the appeal site. As such, the siting of the building would be significantly at odds with and detrimental to the visual appearance of the area.

12. The appellant suggests that the location of the proposed building is subject to various constraints such as overhead powerlines, risks of flooding, orientation and hedgerows which are to be planted around Lacon House and its grounds. This planting is to be undertaken through a separate exercise and not as part of this appeal. It is further stated that hay storage is required to continue the agricultural business of the site. Whilst these possible constraints and requirements are noted, it is not demonstrated that it is inevitable that the business would fail or become unviable without the building proposed. These matters do not outweigh the harm I have found in relation to the siting of the proposed building as required to be assessed under Part 6 of the GPDO.
13. Discussions with a fire officer have been disclosed by the appellant. The comments from this officer suggest that the location of the proposal is suitable as it would minimise fire risk to other buildings in the vicinity, such as Lacon House. Whilst this would satisfy their concerns regarding fire risk, the matter of addressing fire risk does not, ultimately appear to rule out some other areas or locations that may be more suitable having regard to the matter under consideration. Based upon what has been submitted this would not outweigh the harm which would be experienced to the character and appearance of the area through the proposed location of the building.
14. Other planning decisions for developments of a similar appearance are raised to support this appeal. In assessment of the available evidence before me on these cases, the buildings proposed in these cases appear to be sited closer to the individual farmstead and associated buildings, unlike as would result from the appeal proposal. The appellant further cites application 23/04553/FUL. From the limited information about this application, it appears that this application relates to a neighbouring property and is an application for full planning permission and not in respect of siting under the GPDO. Given the limited explanation of this case and absence of any information such as a set of plans or officer report, I can only ascribe this matter minor weight in my decision. I have had regard to the characteristics of the local pattern of development as I saw it and based upon the evidence before me.
15. For the reasons set out above, the proposed siting would be at odds with and significantly harmful to the character and appearance of the area. Therefore, I conclude that prior approval should not be granted for the proposal. While they are not determinative in this application for prior approval under the GPDO, I have had regard to the aims of Policies CS6 and CS17 of the Shropshire Core Strategy 2011 and Policies MD2 and MD7b of the Site Allocations and Management of Development Plan 2017, insofar as they set out material of relevance to the matter of siting.

Other Matters

16. The Council have cited that no access details have been provided. During the course of the appeal, the appellant has provided a hedgerow plan. This plan does not indicate the provision of access points between the fields in the appellant's ownership. However, I noted during my site visit and from the evidence before me that an access to the field exists from the B5065. There are other access points located along the highway which serve the other areas surrounding Lacon House. The appellant also contends that two new gateways are to be located along the hedgerow which is to be developed. Given I am

dismissing the appeal building on its siting, this matter is not determinative in my decision.

17. In their evidence, both parties note the discussions undertaken throughout and post the decision to refuse prior approval. The appellant raises alleged historical issues with the Council's planning team, previous applications and complaints about their conduct, professionalism and possible assumptions the Council's planning team have made about this case. Ultimately, I have had regard to the planning merits of the respective parties' cases insofar as they relate to the main issue for consideration in this appeal. Where matters are not directly relevant to the main issue, it is not within my remit to form a view or verdict on these matters.

Conclusion

18. For the reasons given above the appeal should be dismissed.

J Smith

INSPECTOR